TWELVE PAGES PAGES 9 TO 12.

AUSTIN WEEKLY STATESMAN.

VOL. XXVI. AUSTIN, TEXAS, THURSDAY, DECEMBER 3, 1896. PRICE FIVE CENTS.

EUGENE BURT GUILTY.

THE JURY FINDS HIM GUILTY OF THE CRIME OF FOUL MURDER.

ASSESS HIS PUNISHMENT AT DEATH

HE WAS CALM AS A MAY MORNING THROUGHOUT THE ORDEAL.

TALKED TO A STATESMAN REPORTER LATER

Asked Him to Send Him Up Some Paper Containing the Trial Proceedings. Details of the Verdict and Things Pertaining Thereto.

Yesterday morning at 11:30 o'clock the jury in the Burt case filed into the court room and notified Judge Brooks that they were ready to hand in their verdict. Some little delay was necessary attendant upon the arrival of the defendant's attorneys, but they were there in a few minutes and it was 11:40 exactly when the verdict was handed to Judge Brooks, who read it over very slowly and carefully. He called the jury's attention to the fact that they had not written the word "defendant" as it should be, and also that he would change the word "penalty" to the word "punishment."

After that he handed the verdict to Assistant Clerk Hupperts, who read it aloud midst the profoundest silence. The verdict read as follows:

"We the jury find the defendant, Eugene Burt, guilty of murder in the first degree and assess his punishment at death. J. D. CAMPBELL, "Foreman."

The writer kept his eye on Burt all the time the reading was being had, and even before it was read, but at no time did he so much as bat an eyelid. He looked as though he was under a strain and heavy furrows were noticed in his forehead, but otherwise there was no indication that he cared a thing about what was going on in the court room. When the full meaning of the verdict was impressed on the crowd that had qiuckly gathered, there was subdued excitement on every side, but the prisoner remained perfectly calm throughout it all. When the jury left the box Burt was again handcuffed, and, under guard, walked back to the jail. In about fifteen minutes a Statesman reporter called at his cell in the jail to see if he had anything to say with reference to the verdict and his case. In reply to the direct question Burt said: "I have nothing to say until after the court of appeals passes on the appeal that will be made." The reporter asked him if there was anything he could do for him down town. He replied: "Nothing, unless you will send me up some papers with the trial proceedings in them." The reporter promised to do this and left Burt in as good a humor, apparently, as though he had just come in from a picnic excursion. As soon as he was brought back from the court house Jailer Hughes and Deputy Sheriff Thorpe searched his cell very carefully to see to it that he had nothing hidden by which he could do himself bodily harm. While this searching was going on Burt stood by in as unconcerned a manner as possible. He gave no evidence of having suffered mentally or physically from the effects of the death verdict, but he did seem to have suddenly found his tongue, for all yesterday afternoon he was reported as talking to his cell mates and everybody else in the jail in the happiest mood possible. One report was that he said that as soon as he failed to get a change of venue he knew his goose was cooked.

When Burt came back from Chicago he stated to the writer who interviewed him on the train that he had long wanted to die and that his wife expressed some surprise that a man like him, with no religious faith should have so little fear of death. His apparent cheerfulness yesterday morning when the writer noticed him in his cell recalled this statement made on the train. Can it be that Burt himself is glad of the death sentence? Does he want to die and yet does he hesitate to kill himself?

The verdict of the jury was heard by possibly 100 men yesterday morning. They had been hanging around the court house all the morning waiting for the verdict, and when it became noised around that the jury was ready they soon filed into the court room. There they found the prisoner seated in his accustomed place and the jury in the box. The stillness of the ten minutes' wait, from the arrival of the jury and the arrival of the defendant's attorneys, was something awe inspiring. Scarcely a word was said by any one, and all were under extra heavy pressure of excitement during the wait. The prisoner even shuffled his feet slightly once or twice during the awful wait. He looked quiet, however, at all times and walked as quietly back to the jail as he ever did in his life. His nerve was something remarkable. The fact that he recognized several parties after he went back into the jail and asked the writer to send him some papers and one or two other things go to show for themselves, in the light of claims set forth and his conduct in the past few days, that he is a man of wonderful nerve and nothing else, is proven. He has so much nerve that even should he go to the gallows he will never weaken into telling the particulars of his crime. If he tells of the crime it will simply be because he wants to do so. He can never be forced by fear or remorse to tell the story of that night's deed.

THE JURY'S VERDICT.

The Burt jury comprised the following twelve men:

S. T. Cloud.
E. E. Winfrey.
J. J. Hildinger.
W. A. Matum.
J. A. Duncan.
J. D. Campbell.
N. S. Walber.
Wm. Wilson.
J. A. Killen.
J. T. Stanley.
S. M. Quick.
Wm. Smith.

When they came in yesterday noon and handed in their verdict they were dismissed. After they had left the court house several of them who tarried near were seen and asked about the verdict and asked if they had any trouble in making up their minds. The reply was that they had absolutely none. That upon adjourning from the jury box on Thursday night that they had secured their suppers and then retired to the jury room. Once there they made themselves as comfortable as possible and read over very carefully the charge that Judge Brooks had given them. After some discussion, which lasted until past midnight, the jurymen all went to bed without casting any vote on the important subject under discussion. Yesterday morning, after eating breakfast, they returned to the jury room and read the charge over a second time. They then discussed the matter again and finally voted on the verdict. There was not a dissenting voice in the entire jury as to the death penalty, and as they were all of one mind, no arguments had to be made and accordingly the jury sent down word that they were ready.

THE LADIES MISSING.

Yesterday the ladies who have been attending the trial of Burt so promptly missed the situation of all the situations—that is, the hour when the jury came in. As the dear ladies would say, it was so awfully exciting and just "dead cute." There was not a single one of the fair sex present to hear the reading of the verdict. They shou'd have been on hand. Everybody has been pushed aside by the ladies during the past week and the men who happened to be there yesterday and heard the verdict read hardly knew what to do with themselves, they had so much room in the big court room. The ladies who think they have seen the trial and heard the evidence, missed the most dramatic feature of it. They should have been on hand, but as they were not, it is hoped that they will be more loyal next time and will be on hand. Many of them sat in the court room all day Thursday, watching and listening, and did not even evidence a desire to go home. But they could't come back yesterday. There was not enough excitement for them.

A NEW TRIAL.

As a matter of course, the defendant's attorneys will make a motion for a new trial before Judge Brooks, setting forth their various reasons therefor, and in case said application for a new trial is overruled an appeal will be made to the higher courts. All this will occupy considerable time and it may be a couple of months yet before Judge Brooks fixes the day for the execution, which can only be done after the higher court has refused to grant a reversal. The defense's attorneys and several other well known attorneys of the city seem to think that a reversal will be secured, but on what grounds none say. It is highly possible that if the crowd that has been packing the court room all during the past seven days could have a say, they would certainly have a reversal and a new trial, so as to get another opportunity of hearing the sensational testimony.

THREE EXCITED JURYMEN.

Three of the jurymen who were on the Burt trial were also summoned to apepar in the special venire for the Cooper case yesterday. As soon as they got off the Burt trial they began to plead mighty hard to get off the Cooper venire and finally they were excused by the attorneys, when the judge told them that the three men in question, having served the past seven days, had a good excuse, anyway. The three fortunates smiled broadly as they were excused and skipped out of the court house in a hurry and will probably be very hard to catch again for a similar use.

THE NEWS IN JAIL.

The prisoners over in the jail were very much interested in Burt's case yesterday morning and after he came back from the court house they began to halloo at him from all quarters to know what the verdict was. Burt told them and received their congratulations or hurrahs, as they saw fit to give them.

THE JUDGE'S CHARGE.

Judge R. E. Brooks, in presiding in this Burt trial, has been absolutely impartial to both sides. His rulings have in all cases been fair and impartial, and his charge to the jury was carefully prepared and very comprehensive. Travis county should feel proud that she has such a judge on her bench. He reflects honor upon the county, and his deliverance of law and order is ever just and impartial. His charge to the jury in this trial, as delivered at 7 o'clock Thursday night, reads as follows:

The State of Texas vs. Eugene Burt: In the District Court of Travis County, Tex., for the Twenty-sixth District Court, October Term, A. D. 1896:

Gentlemen of the Jury—In this case the defendant, Eugene Burt, stands charged by indictment with the offense of the murder of Anna M. Burt, alleged in the indictment to have been committed by the defendant Eugene Burt in the county of Travis and state of Texas, on or about July 24, A. D. 1896.

To which charge the defendant has pleaded "not guilty."

First—I give you in charge as the law applicable to this case the following instructions:

Every person with a sound memory and discretion who shall unlawfully kill any reasonable creature in being within this state with malice or forethought, either express or implied, shall be deemed guilty of murder.

Second—Murder is distinguished from every other species of homicide by the absence of circumstances which reduce the offense to negligent homicide or manslaughter, or which excuse or justify the homicide.

Third—The term malice, in its legal sense, means the intentional doing of a wrongful act toward another without legal justification or excuse. It is a condition of the mind which shows a heart regardless of social duty and fatally bent on mischief, the existence of which is inferred from acts committed or words spoken.

Fourth—Malice which is absolutely essential to constitute the offense of murder is either express or implied.

Fifth—All murder committed with express malice is murder in the first degree.

Sixth—Express malice, which is absolutely essential to constitute murder in the first degree, exists where one with sedate, deliberate mind and formed design unlawfully kills another.

Seventh—When an unlawful killing is established, the condition of the mind of the party killing, at the time, just before and just after the killing, is an important consederation in determining the grade of the homicide; and in determining whether murder has been committed with express malice or not, the important questions for a jury to consider are: Do the facts and circumstances in the case at the time of the killing, and before and after that time, having connection with or relation to it, furnish satisfactory evidence of a sedate and deliberate mind on the part of the person killing, at the time he does the act? And do these facts and circumstances show a formed design to take the life of the person slain, or to inflict on him some serious bodily harm, which, in its necessary and probable consequences, may result in his death, or, do the facts and circumstances in the case show such a general reckless disregard of human life as necessarily includes the formed design against the life of the person slain? If they do, the killing, if it amounts to murder, will be upon express malice.

Eighth—In order to warrant a verdict of murder in the first degree, malice must be shown by the evidence to have existed; that is, the jury must be satisfied from the evidence, beyond a reasonable doubt, that the killing was a consummation of a previously formed design to take the life of the person killed, that the design to kill was formed deliberately, with a sedate mind, that is at the time when the mind of the person killing was self-possessed and capable of contemplating the consequences of the act proposed to be done. There is, however, no definite space of time necessary to intervene between the formed design to kill and the actual killing; a single moment of time may be sufficient; all that is required is that the mind be cool and deliberate in forming its purpose and that the design to kill is formed while the mind is in such calm and sedate condition.

Ninth—When the evidence satisfies the mind of the jury, beyond a reasonable doubt, that the killing was the result of a previously formed design by the defendant to kill deceased, and that the design was formed when the mind was calm and sedate and capable of contemplating the consequences of the act proposed to be done by him, and such killing is further shown to have been unlawful and done with malice, then the homicide is murder in the first degree, and your verdict should be rendered accordingly.

Tenth—To warrant a conviction of murder in the first degree, the jury must be satisfied by the evidence, beyond a reasonable doubt, that the defendant, before the act, deliberately formed the design with a calm and sedate mind to kill the deceased; that he selected and used the weapon or instrument reasonably sufficient to accomplish the death by the mode and manner of its use. The act must not result from a mere sudden, rash and immediate design, springing from an inconsiderate impulse, passion or excitement, however unjustifiable and unwarrantable it may be.

Eleventh—Now, if you believe from the evidence beyond a reasonable doubt that the defendant, Eugene Burt, in Travis county, state of Texas, on or about July 24, A. D. 1896, as charged in the indictment, unlawfully, with malice aforethought, with a sedate and deliberate mind and formed design to kill, did kill Anna M. Burt by then and and there striking, beating and wounding the said Anna M. Burt upon her head and face with a hatchet or some heavy instrument, thereby fracturing the skull and the bones of the face of said Anna M. Burt, and by then and there wrapping around the head and body of said Anna M. Burt a blanket and securely tying same thereon with rope and then and there throwing said Anna M. Burt, so wrapped and tied, in a cistern partially filled with water, sufficient to submerge the body of said Anna M. Burt, or, if the said defendant did, with malice aforethought so kill said Anna M. Burt by either one or by all of the means above enumerated, you will find the defendant guilty of murder in the first degree and so state in your verdict and fix his punishment at death or confinement in the state penitentiary for life, as you may determine and state in your verdict.

Twelfth—The next lower grade of culpable homicide than murder in the first degree is murder of the second degree.

Malice is also a necessary ingredient of the offense of murder in the second degree, the distinguishing feature, however, so far as the element of malice is concerned, is, that in murder in the first degree malice must be proved to the satisfaction of the jury beyond a reasonable doubt, as an existing fact, while in murder in the second degree malice will be implied from the fact of an unlawful killing where the evidence which has been adduced does not show express malice beyond a reasonable doubt on the one hand or tend to show any justification, excuse or mitigation for the act on the other.

Thirteenth—Implied malice is that which the law infers from or imputes to certain acts, however suddenly done; thus when the fact of an unlawful killing is established and the facts do not establish express malice beyond a reasonable doubt nor tend to mitigate, excuse or justify the act, then the law implies malice and the murder is in the second degree; and the law does not further define murder in the second dgree, than if the killing is shown to be unlawful and there is nothing in evidence on the one hand showing express malice, and on the other hand there is nothing in evidence that will reduce the killing below the grade of murder, then the law implies malice and the homicide is murder in the second degree.

Fourteenth—Now, if you believe from the evidence, beyond a reasonable doubt, that the defendant, Eugene Burt, in the county of Travis and state of Texas, on or about the 24th day of July, A. D. 1896, did unlawfully kill Anna M. Burt by either or by all the means enumerated in the indictment in the case as heretofore set out in paragraph eleven of this charge, but should not believe from the evidence beyond a reasonable doubt that the killing was done with express malice (as that has been hereinbefore defined) then you will find the defendant guilty of murder in the second degree and assess his punishment at confinement in the state penitentiary for any term not less than five years.

Fifteenth—Where you are instructed in this charge to find the defendant guilty upon finding a given state of facts, you will consider such charge in connection with that portion of the charge hereinafter given you upon the questions of defendant's insanity at the time of the alleged commission of the offense charged against him as well as in connection with the whole of this charge.

Sixteenth—Should you find the defendant guilty of murder in the first degree or guilty of murder in the second degree you will state of which degree of murder for whatever offense you may find him guilty, you will affix the punishment for that crime as heretofore directed.

If, from the evidence, you are satisfied beyond a reasonable doubt that the defendant is guilty of murder, but have a reasonable doubt whether it was committed upon express or implied malice, then you must give the defendant the benefit of such doubt and not find him guilty of a higher grade than murder in the second degree.

Seventeenth—If you do not find that the said Anna M. Burt is dead and that the defendant unlawfully killed her, then you will return a verdict of "not guilty."

Eighteenth—In this case the state relies for a conviction upon circumstantial evidence alone, and in order to warrant a conviction upon such evidence each fact necessary to establish the guilt of the accused must be proved by competent evidence, beyond a reasonable doubt, and the facts and circumstances proved should not only be consistent with the guilt of the accused, but inconsistent with any other reasonable hypothesis or conclusion than that of his guilt, and producing in your minds a reasonable and moral certainty that the accused, and none other, committed the offense.

Under his plea of "not guilty" in this case the defendant has put in evidence facts and circumstances which raise the issue of his insanity at the time the offense for which he is on trial is alleged to have been committed.

Upon this issue you are instructed that under the law no act done in a state of insanity can be punished as an offense.

Nineteenth—Every person charged with crime is presumed to be sane—that is, of sound memory and discretion, until the contrary is shown by proof. If under the law as herein given you in charge, and the testimony of the witnesses, the guilt of the defendant has been established beyond a reasonable doubt, it devolves on the defendant to establish his insanity at the time of committing the act, in order to excuse himself from legal responsibility; that is to say, the burden of proof to establish his plea of insanity devolves upon the defendant. If the state has, as before explained, proved the facts which constitute the offense charged in the bill of indictment, your next inquiry will be, has the defendant established by proof his plea of insanity, or has it been established by proof from any source; if it has, the law excuses him from criminal liability, and you should acquit him. The question of the insanity of the defeadant has exclusive reference to the act with which he is charged and the time of the commission of the same. If he was sane at the time of the commission of the crime he is amenable to the law. As to his mental condition at the time, with reference to the crime charged, it is peculiarly a question of fact to be decided by you from all the evidence in the case, before the act, at the time, and after.

Twentieth—A safe and reasonable test, in all cases, would be, that whenever it should appear from all the evidence, that at the time of doing the act, the defendant was not of sound mind, but was affected with insanity, and such affection was the efficient cause of the act, and that he would not have committed the act but for that affection, he ought to be acquitted. For in such a case the reason would be at the time dethroned, and the power to exercise judgment would be wanting. But this unsoundness of mind or affection of insanity must be of such a degree as to create an uncontrollable impulse to do the act charged, by overriding the reason and judgment and obliterating the sense of right and wrong, depriving the accused of the power of choosing between right and wrong as to the particular act done.

Twenty-first—Whether the insanity be general or partial, whether continuous or periodical, the degree of it must have been sufficiently great to have controlled the will of the accused and to have taken from him the freedom of moral action, at the time of the commission of the act. Where reason ceases to have dominion over mind proven to be diseased, it then reaches the degree of insanity where criminal responsibility ceases and accountability to the law, for the purpose of punishment, no longer exists.

Twenty-second—Whether that degree of insanity existed in the defendant at the time of the alleged crime, is the important question on this issue. If it is true that the defendant took the life of the deceased, and at the time the mental and physical faculties were beyond the control of the defendant, or if some controlling mental or physical disease was in truth the acting power within him, which he could not resist, and he was impelled without intent, reason, or purpose, he would not be accountable to the law. If, on the other hand, his mind was sufficiently sound to be capable of reasoning and knowing the act he was committing to be unlawful and wrong, and knowing the consequences of the act, and had the mental power to resist and refrain from its commission, his plea of insanity would not avail him as a defense.

Twenty-third—It is an essential ingredient of murder that the person, to be guilty of that crime, must be one of "sound mind and discretion;" the meaning of which is, that he must have capacity and reason sufficient to enable him to distinguish between right and wrong, as to the particular act he is then doing. Although a man may be laboring under partial insanity, if he still understands the nature and character of his act, and its consequence; if he has a knowledge that it is wrong and criminal, and mind sufficient to apply that knowledge of his own case, and to know that if he does the act he will do wrong and deserve punishment, such partial insanity is not sufficient to exempt him from responsibility for his criminal act. But if the mind was in a diseased and unsound state, to such a degree that for the time being it overwhelms the reason, conscience and judgment, and the defendant in committing the crime acted from an irresistible and uncontrollable impulse, then it would be the act of the body, without the concurrence of the mind. In such case there would be wanting the necessary ingredient of every crime; the intent and purpose to commit it.

Twenty-fourth—It is not necessary that the insanity of the defendant should be established beyond a reasonable doubt; it is sufficient if it be established by the weight or preponderance of evidence; that is, such and so much proof as reasonably establishes in your minds the existence of insanity in the defendant at the time the act was committed. To ascertain the condition of the defendant's mind at the time of the killing, you should look to its condition before that time; his conduct, acts, and all other surroundings; ascertain, if possible, whether his mental condition was such as to enable him to know he was doing a wrongful and unlawful act. Look to his acts, conduct and movements before and on the occasion of the crime; his conduct, acts and movements after the crime, and all other facts in the case, to reach a correct conclusion as to whether the defendant was of sound mind or not at the time he committed the offense for which he is on trial, if he did commit it.

Twenty-fifth—In case the jury finds from the evidence that the defendant committed the act with which he is charged, but at the time of the commission of the act he was in a condition of mental insanity, as above defined, you will say by your verdict, "We, the jury, acquit the defendant on the ground of insanity."

Twenty-sixth—There has been certain evidence admitted for your consideration of the examination of defendant by certain expert witnesses since he has been confined in jail and of certain acts and conduct of defendant since his confinement in jail on this charge and his conduct during this trial, this testimony was only admitted for the purpose of explaining or throwing light upon the sanity or insanity of the defendant at the time of the alleged commission of the offense for which he is on trial, if it does throw any light upon such question, and not for the purpose of showing that defendant committed the offense for which he is on trial, and you will only consider such evidence for the purpose for which it was admitted.

Twenty-seventh—There has been other evidence adduced before you of other offenses committed by the defendant than that for which he is on trial. The defendant is on trial for the murder of Anna M. Burt and for no other offense, and the evidence submitted to you of other offenses alleged to have been committed by defendant was only admitted for the purpose of explaining or throwing light upon the question of defendant's sanity or insanity at the time of the alleged commission of the offense for which he is on trial, and you will only consider it for such purpose.

Twenty-seventh—The question of whether or not the defendant is now sane is not an issue for your determination, and the testimony given to show the condition of the defendant's mind at present or at any time since the date of commission of the alleged crime for which defendant is on trial or as to its condition prior to said date as well as all the evidence which has been adduced before you, upon the issue of the defendant's insanity, was admitted for the purpose of enabling you to determine from all the evidence, facts and circumstances before you, the condition of the defendant's mind at the time of the commission of the offense for which he is on trial, if he did commit such offense.

In considering this case after you retire to the jury room, you will confine your deliberations to the evidence as heard by you under the rulings of the court and will not consider or mention any fact or circumstances any juror may know of the defendant or at the charge for which he is on trial outside of the evidence heard by them on this trial, but will confine your deliberations to the evidence before you and will make up your verdict, not by any method of chance, but from a careful and diligent consideration of the facts admitted in evidence and the law as given you in the charge.

Twenty-eighth—The defendant in a criminal case is presumed to be innocent until his guilt is established by legal evidence, beyond a reasonable doubt; and, in case you have a reasonable doubt as to the defendant's guilt, you will acquit him and say by your verdict "not guilty."

Twenty-ninth—You are exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given to the testimony, but you are bound to receive the law from the court, which is herein given you, and be governed thereby.

R. E. BROOKS,
Judge Twenty-Sixth Judicial District.

ROBBED AND FIRED.

Celeste, Tex., Nov. 26.—Parties broke into R. W. Lane's store last night, and, after taking such things as they wanted, fired the store, but before the fire got under full headway it was discovered and extinguished, not, however, till the stock was pretty well ruined. The loss is estimated at about $200, partially covered by insurance.

THE ANNUAL WAR REPORT.

SECRETARY LAMONT GAVE HIS REPORT OUT FOR PUBLICATION YESTERDAY.

REORGANIZATION OF THE INFANTRY

To Make It Easier to Handle—Recommendations for Better Equipment of State Militia—Big Strides in Coast Defense Work.

Washington, Nov. 26.—In his annual report, which was made public today, Secretary Lamont renews his previous recommendation that the infantry be reorganized on the general idea of three light and mobile battalions of four companies each to the regiment instead of the cumbersome ten company formation adopted a century ago and abandoned by other nations since the development of modern magazine rifles, and he quoted Gens. Sherman, Sheridan and Lieut.-Gen. Schofield in support of the necessity of this reorganization of the infantry.

The completion already of some coast defenses and the approaches approaching completion of other modern batteries renders necessary a larger force of artillerists, but no other increase of the army is asked for. The plan of the sea coast defense involves 100 distinct batteries in over twenty harbors.

The number of officers serving with their command is larger than any time since the war, and the secretary expresses the belief that further changes can be made to advantage in this direction. The report shows that according to the statements of department commanders the discipline of the troops was never better than now. The number of trials by court-martial was about 15 per cent less during the past year than the year before. In no previous year of the history of the army has the health of the troops been so satisfactory. Under the new system established by Secretary Lamont the army has for the first time been paid monthly. Over $14,000,000 was disbursed. The saving to the government by the system is about $25,000 annually and appears to encourage economy among the men, as soldiers' deposits this year are over $100,000 more than last year. Desertions in the army are decreasing. Deserters in 1893 numbered 3578; in 1893 only 1682, and last year 1465.

The post exchange, the general co-operation store, maintained without expense to the government at nearly all military stations by the enlisted men, in which are kept for sale most of the commodities that are in demand at military posts is now generally approved.

The receipts last year from all sources were more than one and a half million dollars with net profits of about $350,000.

The thirty-five army officers assigned to duty with the national guard of the states report steady improvement in the militia. Investigation this year has shown serious deficiency in the arms and equipment of this branch of the service. When the states furnish the armories and defray all expense incidental to keeping their forces in training, Secretary Lamont suggests that the United States should provide them with implements which they will need in active service—arms and field equipments—as the supply is too small and inadequate for prolonged field operations.

The secretary recommends that the Springfield rifle, calibre 45, be issued to state troops; that the states be allowed to return to the war department obsolete arms to be sold, the proceeds credited to the states, and that the states be allowed to purchase from the department supplies at regulation prices.

The army consists of 25,426 officers and men, or 284 below the legal maximum. The effective field strength on October 21 was 23,382. The report shows that whereas on the first of July, 1893, of our modern defense, but one high power gun was mounted; by the first of July next we will have in position seventy high power breech-loading guns and ninety-five breech-loading mortars of modern description, and by the following July, by completion of work already under way or provided for, 128 guns and 153 mortars. A battery of two or three of the big guns take the place of the former pretentious fort and is vastly more effective.

The defense under consideration are distributed among the ports of Portland, Me., Portmouth, N. H., Boston Narragansett Bay, eastern entrance to Long Island sound; eastern and southern entrances to New York, Philadelphia, Baltimore, Washington, Hampton Roads, Wilmington, Charleston, Savannah, Key West, Pensacola, Mobile, New Orleans, Galveston, Sandiego, San Francisco, mouth of the Columbia river and Puget sound. All of the emplacements have been located with a view to carrying out the project of the Endicott board on fortifications, organized under the act of congress on March 3, 1885, as revised by the permanent board of engineers.

The secretary says the department, in making these allotments, was guided by a desire to protect as many of the seaports as practicable against marauding attacks of isolated cruisers, as well as to provide a more efficient defense to important places, and also to utilize to the best advantage the guns for which carriages could be most speedily furnished.

The total number of emplacements provided for to date is 148 guns and 156 mortars.

Before the end of the present year we shall have seven 12-inch, forty-two 10-inch, eight 8-inch, six rapid-firing guns and 112 mortar emplacements. By July next there should be completed fourteen 12-inch, forty-six 10-inch, ten 8-inch and five rapid-firing guns and 112 mortar emplacements. By the close of the coming year this will be increased to twenty-one 12-inch, sixty-six 10-inch, twenty-five 8-inch and sixteen rapid-firing guns and 156 mortar emplacements. A very large proportion of emplacements are intended to receive guns mounted on disappearing carriages.

The armament of troops with the new magazine arms was completed in May,

---

...as, calls attention to the desirability of now under surveillance by them. It is ... to beholder and possessor.—Albany Argus.